

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:18-cr-0034-JRS-TAB
)	
LESEAN JONES,)	
)	- 01
Defendant.)	

REPORT AND RECOMMENDATION

On April 18, 2022, the Court held a hearing on the Petitions for Warrant or Summons for Offender Under Supervision filed on January 3, and March 21, 2022. Defendant Jones appeared in person with his appointed counsel Joseph Cleary. The government appeared by Lawrence Hilton, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Megan Durbin.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Jones of his rights and provided him with a copy of the petition. Defendant Jones orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Jones admitted violation numbers 1, 2, 3, and 4. [Docket No. 44.] Government orally moved to withdraw the remaining violation, which motion was granted by the Court. [Docket 48.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p>“You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment.”</p> <p>On December 13, 2021, Mr. Jones reported he was moving to 9266 Chambery Lane. This officer spoke with the homeowner on December 28, 2021, who advised he was no longer residing at the residence. To date, Mr. Jones has not provided an updated address.</p>
2	<p>“You shall report to the probation officer in a manner and frequency directed by the court or probation officer.”</p> <p>A certified letter was sent to Mr. Jones advising him to report on December 28, 2021. He failed to report for this appointment. All attempts to contact him via telephone, text message, email, and letter have been unsuccessful.</p>
3	<p>“You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment.”</p> <p>Mr. Jones was placed on the random drug testing line on August 2, 2021. He failed to report for drug screens as scheduled on November 17, 2021, and December 15, 2021. As previously reported to the Court, Mr. Jones failed to test as directed on November 10, 2021 and submitted a positive drug screen for marijuana on November 3, 2021.</p>
4	<p>“The defendant shall pay any fine that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release.”</p> <p>The offender was ordered a financial obligation of \$600.00. To date, no payments have been made toward this obligation.</p>

4. The parties stipulated that:
- (a) The highest grade of violation is a Grade C violation.
 - (b) Defendant's criminal history category is III.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 5 to 11 months' imprisonment.

5. The parties jointly recommended a sentence of eleven (11) months with no supervised release to follow. Defendant requested placement at facility close to Indianapolis, Indiana.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of eleven (11) months with no supervised release to follow. The Magistrate Judge will recommend placement at a facility close to Indianapolis, Indiana. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 4/18/2022


Mario Garcia
United States Magistrate Judge
Southern District of Indiana

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